08-13555-mg Doc 27368 Filed 04/16/12 Entered 04/16/12 12:11:13 Main Document Presentment Date and Time of April 24, 2012 at 12:00 noon (Prevailing Eastern Time)

Objection Deadline: April 23, 2012 at 11:00 a.m. (Prevailing Eastern Time) Hearing Date and Time (Only if Objection Filed): April 26, 2012 at 10:00 a.m. (Prevailing Eastern Time)

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re Chapter 11 Case No.

LEHMAN BROTHERS HOLDINGS INC., et al., 08-13555 (JMP)

Debtors. (Jointly Administered)

NOTICE OF PRESENTMENT OF SUPPLEMENTAL ORDER REINSTATING CLAIM

PLEASE TAKE NOTICE that the undersigned will present the annexed proposed order (the "Supplemental Order") to the Honorable James M. Peck, United States Bankruptcy Judge, for signature on April 24, 2012 at 12:00 noon (Prevailing Eastern Time). The Supplemental Order supplements the Order Granting the One Hundred Fortieth Omnibus Objection to Claims (Duplicative Indenture Trustee Claims), dated June 30, 2011, [ECF No. 18179], and reinstates previously disallowed and expunged claim numbers 9757 and 9756.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the proposed Supplemental Order, with proof of service, is served and filed with the Clerk of the Court and a courtesy copy is delivered to the Bankruptcy Judge's chambers and the undersigned so as to be received by April 23, 2012 at 11:00 a.m. (Prevailing Eastern Time), there will not be a hearing and the Supplemental Order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely served and filed, a hearing (the "Hearing") will be held to consider the Supplemental Order on April 26, 2012 at 10:00 a.m. (Prevailing Eastern Time) before the Honorable James M. Peck, United States Bankruptcy Judge, at the United States Bankruptcy Court, Alexander Hamilton Customs House, Courtroom 601, One Bowling Green, New York, New York 10004.

## PLEASE TAKE FURTHER NOTICE that objecting parties are required to

attend the Hearing, and failure to appear may result in relief being granted or denied upon default.

Dated: April 16, 2011

New York, New York

/s/ Robert J. Lemons

Robert J. Lemons

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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.

LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (JMP)

Debtors. : (Jointly Administered)

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## SUPPLEMENTAL ORDER REINSTATING CLAIM

WHEREAS Lehman Brothers Holdings Inc. ("<u>LBHI</u>"), and certain of its affiliated debtors in the above referenced chapter 11 cases (collectively, the "<u>Debtors</u>"), filed the *One Hundred Fortieth Omnibus Objection to Claims (Duplicative Indenture Trustee Claims)*, dated May 16, 2011, [ECF No. 16853] (the "<u>One Hundred Fortieth Omnibus Objection to Claims</u>"), against claim numbers 9757 and 9756 (the "<u>Claims</u>"), which were filed by (i) Thomas L. Schmitz and Sandra E. Schmitz, and (ii) the Schmitz Family Limited Partnership (the "<u>Claimants</u>"), respectively;

WHEREAS the One Hundred Fortieth Omnibus Objection to Claims sought, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedures, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim, [ECF No. 6664] (the

"Procedures Order"), to disallow and expunge certain claims on the grounds that such clams were substantively duplicative, in whole or in part, of the corresponding Indenture Trustee Claims, 1 all as more fully described in the One Hundred Fortieth Omnibus Objection to Claims;

WHEREAS the Court held a hearing on June 30, 2011 (the "Omnibus Hearing") to consider the relief requested in the One Hundred Fortieth Omnibus Objection to Claims;

WHEREAS the Court entered an order on June 30, 2011, [ECF No. 18179], granting the relief requested in the One Hundred Fortieth Omnibus Objection to Claims (the "Order"), which, among other things, disallowed and expunged the Claims;

WHEREAS upon further review of their books and records, LBHI has determined that the Claims are not duplicative of the Indenture Trustee Claims, and therefore now seeks to reinstate the Claims;

## IT IS HEREBY:

ORDERED that the Court-approved claims and noticing agent, Epiq Systems, shall be authorized and directed to immediately reinstate the Claims on the official claims register (the "Claims Register") as general unsecured claims; and it is further

ORDERED that the One Hundred Fortieth Omnibus Objection to Claims is withdrawn as to the Claims without prejudice to the rights of LBHI and any other party in interest to object to the Claims on any grounds in the future; and it is further

ORDERED that the rights of LBHI and any other party in interest with respect to the Claims are expressly preserved and unaffected by this Supplemental Order; and it is further

ORDERED that other than with respect to the Claims, this Supplemental Order shall have no affect on the claims subject to the Order; and it is further

<sup>&</sup>lt;sup>1</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the One Hundred Fortieth Omnibus Objection to Claims.

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ORDERED tha	t the Court shall retain jurisdiction to hear and determine all
matters arising from or related	to this Supplemental Order.
Dated:, 2012 New York, New York	
	UNITED STATES BANKRUPTCY JUDGE